

## REMARKS

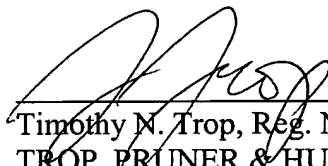
Attached herewith is a Declaration of the prosecuting attorney demonstrating diligence from the time of the invention disclosure to filing. Reasonable diligence includes attorney diligence. See M.P.E.P. § 2138.06 at page 2100-17. An attorney does not prepare an application on behalf of a particular named person, but on behalf of the true inventive entity. Six days to execute and file an application is acceptable. See M.P.E.P. § 2138.06 at page 2100-19, citing *Haskell v. Coleburne*, 671 F.2d 1362, 213 U.S.P.Q. 192, 195 (CCPA 1982).

Reasonable diligence is all that is required of the attorney. Reasonable diligence is established if the attorney worked reasonably hard on the application during the continuous critical period. If the attorney has a reasonable backlog of unrelated cases which he takes up in chronological order and carries out expeditiously, that is sufficient. M.P.E.P. § 2138.06 at page 2100-19, citing *Bey v. Kollonitsch*, 866 F.2d 1024, 231 U.S.P.Q. 967 (Fed. Cir. 1986).

Therefore, reconsideration of the rejection is respectfully requested.

Respectfully submitted,

Date: April 25, 2005

  
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